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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

THE SCO GROUP, INC.,

Plaintiff/Counterclaim-Defendant,

v.

INTERNATIONAL BUSINESS MACHINES  
CORPORATION,

Defendant/Counterclaim-Plaintiff.

**EX PARTE MOTION FOR LEAVE TO  
FILE OVERLENGTH MEMORANDUM  
IN OPPOSITION TO SCO'S MOTION  
FOR RECONSIDERATION OF THE  
ORDER DENYING SCO'S MOTION FOR  
RELIEF FOR IBM'S ALLEGED  
SPOILIATION OF EVIDENCE**

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

Pursuant to DUCivR 7-1(e), Defendant/Counterclaim-Plaintiff International Business Machines Corporation (“IBM”) respectfully submits this Ex Parte Motion for Leave to File Overlength Memorandum in Opposition to SCO’s Motion for Reconsideration of the Order Denying SCO’s Motion for Relief for IBM’s Alleged Spoliation of Evidence, consisting of approximately 31 pages of argument, exclusive of face sheet, table of contents and authorities, preliminary and fact statements, and appendices and exhibits.

With its motion for reconsideration, SCO has submitted an overlength memorandum consisting of approximately 20 pages of argument. While IBM has endeavored to respond to the issues raised by SCO in succinct fashion, doing so fully and fairly has necessitated approximately 31 pages of legal argument.

Based on the foregoing, IBM respectfully requests that it be granted leave to file its overlength Memorandum in Opposition to SCO’s Motion for Reconsideration of the Order Denying SCO’s Motion for Relief for IBM’s Alleged Spoliation of Evidence, consisting of approximately 31 pages of argument.

DATED this 27th day of April, 2007.

Snell & Wilmer L.L.P.

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 27th day of April, 2007, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court and delivered by CM/ECF system to the following:

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